In re Application of:

Anthony D. Cristillo, et al

Application No. 10/814,689

Filed: March 31, 2004

Art Unit: 1648

Examiner: Humphrey, Louise Wang

Zhiying

Atty. Docket No.: 502615.20013

Customer No.: 026418

MUTANT VIRAL NUCLEIC ACIDS AND VACCINE CONTAINING SAME

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98. Enclosed is Form PTO/SB/08b which lists the references being cited along with a copy of each of the references. In addition, enclosed please find the Search Report and the Written Opinion of the International Search Authority (PCT).

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a) I hereby certify that this paper (along with any document referred to as being attached or enclosed) is being EXPRESS MAIL NO. EL 988 374 512 US FACSIMILE Deposited with the United States Postal Service as Express Mail under 37 CFR 1.10 on March 2, 2006 and is addressed to the: Commissioner for Patents, Alexandria, VA 22313. Ruth Montal of Type Signature Name (Signature of person mailing paper or fee) (Signature of person mailing paper or fee)

Information Disclosure Statement Atty Docket No. 502615.20013 Page No. 2

The references may be deemed to be pertinent to the above-identified application and are being made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider each of the items and to independently ascertain their teaching.

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1.	\boxtimes	Enclosed is PTO Form PTO/SB/08b.
2.		Items listed on the enclosed Form PTO/SB/08b are not in the English language.
		For each of the following items, an English- language translation of that item or a portion thereof or a concise explanation of the relevance of that item is attached:
		For each of the following items, a corresponding U.S. or other English-language patent is enclosed. Please consider the U.S. or other English-language patents in accordance with the procedure set forth in MPEP § 609:
3.		Submission in Accordance with 37 CFR § 1.98(d).
		Any copy of the items listed on the enclosed Form PTO/SB/08b that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Serial No. [Ser. No.], filed [Date], of which the present application relies upon for an earlier filing date under 35 U.S.C. 120.
4.		Submission in Accordance with 37 CFR § 1.97(b).
		This Information Disclosure Statement is being filed
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before the first mailing date of either

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Information Disclosure Statement Atty Docket No. 502615.20013 Page No. 3 \boxtimes A final action under § 1.113; or \boxtimes A notice of allowance under § 1.311. A fee is due for consideration of this Information Disclosure Statement and the fee is paid below; or This Information Disclosure Statement is accompanied by one of the certifications pursuant to 37 CFR § 1.97(e), and NO FEE is due for consideration of this Information Disclosure Statement. Submission in Accordance with 37 CFR 1.97(d). This Information Disclosure Statement is being filed after the mailing date of either A final action under § 1.113; or A notice of allowance under § 1.311, whichever comes first, but before payment of the issue fee, and is accompanied by One of the certifications pursuant to 37 a. CFR § 1.97(e), which is set forth below; b. The attached petition requesting consideration of this Information Disclosure Statement; and The petition fee under 37 CFR § c. 1.17(i)(1), which is paid below. 7. Certification Pursuant to 37 CFR 1.97(e). \boxtimes The undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement; or The undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a

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foreign patent office in a counterpart foreign application, or to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information

Information Disclosure Statement Atty Docket No. 502615.20013 Page No. 4

8.	Fee	Payment	Being	Made.
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Enclosed
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A check in the amount of \$[Amount] to cover the fee payment is enclosed.
Charge the fee to Deposit Account No. 50-1529. A duplicate copy of this communication is attached.
The Director is hereby authorized to charge payment of any additional fees associated with this Information Disclosure Statement or credit any overpayment to Deposit Account No. 50-1529. A duplicate copy of this communication is enclosed. Respectfully submitted, Respectfully submitted, Respectfully Submitted, PRED SMITH LLP 599 Lexington Avenue 29 th Floor New York, NY 10022 (P) 212 521-5400 Attorney for Applicant



PTO/SB/08b (07-05)

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Complete if Known Substitute for form 1449B/PTO Application Number 10/814,689 Filing Date INFORMATION DISCLOSURE 03/31/2004 First Named Inventor STATEMENT BY APPLICANT Anthony D. Cristillo Art Unit 1648 (Use as many sheets as necessary) Examiner Name Humphrey, Louise Wang Zhiying Attorney Docket Number | 502615.20013 Sheet

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²			
		MINGJUN HUANG et al; "p6Gag Is Required for Particle Production from Full-Length Human Immunodeficiency Virus Type 1 Molecular Clones Expressing Protease"; Journal of Virology, Nov. 1995, p. 6810-6818; Vol. 69, No. 11; American Society for Microbiology.				
		WING-PUI KONG et al; "Immunogenicity of Multiple Gene and Clade Human Immunodeficiency Virus Type 1 DNA Vaccines"; Journal of Virology, Dec. 2003, p. 12764-12772; Vol. 77, No. 23; American Society for Microbiology.				
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